



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Spencer Knight,
Equipment Operator (PC2329V),
Hudson County

Examination Appeal

CSC Docket No. 2018-2909

ISSUED: May 24, 2018 (RE)

Spencer Knight appeals the determination of the Division of Agency Services that found that he did not meet the experience requirements for the promotional examination for Equipment Operator (PC2329V), Hudson County.

The subject promotional examination had a closing date of October 23, 2017 and was open to employees in the non-competitive division who had an aggregate of one year of continuous permanent service as of the closing date in the titles of Laborer 1, Truck Driver, and Truck Driver Heavy OR to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date and who met the announced requirements. These requirements included one year of experience in the operation and maintenance of construction and maintenance equipment. The appellant was found to be below the experience requirements. One candidate was admitted, the list has been certified, and no appointments have yet been made.

On his application, the appellant listed one position, provisional Equipment Operator from October 2010 to October 2017. Official records indicate that he was a Truck Driver from August 2011 to January 2017, and a provisional Equipment Operator from January 2017 to the October 2017 closing date. None of his experience was accepted and he was found to be lacking one year of qualifying experience.

On appeal, the appellant indicates that he should be eligible as he has put in the time learning to operate Heavy Equipment and is well qualified.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 provides that an applicant shall meet all the requirements specified in the promotional examination announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) provides that the Civil Service Commission may relax the rules for good cause in a particular situation, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In this matter, there was only one admitted candidate and the appellant continues to serve in his provisional position. Since the closing date, the appellant has accrued over a year of experience in his provisional position. As such, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a), and accept the appellant's experience after the closing date and admit him to the examination for prospective appointment only.

For the future, the appellant is cautioned to properly complete his application by listing each position separately with applicable duties. In this case, the appellant listed his duties as, "Load and unload trucks with salt, dirt, garbage and debris, also carry plates to and from drop sites. Whatever else I was asked to." These are clearly Truck Driver duties, unrelated to Equipment Operator duties. Nevertheless, the appellant did not put a position of Truck Driver his application. He also did not list the types of equipment he operates. If the appellant expects to be found eligible he needs to properly complete future applications.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant's application be processed.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 23rd DAY OF MAY, 2018



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